

REMARKS

This amendment is in reply to an Office action mailed in response to applicant's filing a request for continued examination (RCE).

Applicant previously submitted, together with the RCE, a Request for a Limited Suspension of Action requesting a three-month suspension of action to allow applicant to submit amended or new claims in a preliminary amendment. That request, which was accompanied by the required PTO fee, would have given the applicant until March 19, 2004 to submit amended or new claims.

The pending Office action, however, was mailed by the PTO on March 9, 2004, before expiration of the requested three-month period and before applicant had the opportunity to file amended or new claims.

In view of the foregoing sequence of events, applicant respectfully requests that, if the Examiner finds that the application is not yet in condition for allowance, the next Office action be designated as non-final.

New claims 13-24 are submitted for consideration by the Examiner.

The claimed subject matter relates to a semiconductor device that includes a substrate on which is formed an output bit group comprising first output patterns each of which is continuously arrayed. An example is illustrated in FIGS. 11, 12 and 13 in which reference numeral 1 identifies a first output pattern. The semiconductor device also includes a dummy pattern with at least one second output pattern that has the same shape as the first output patterns and is adjacent to an end portion of the output bit group. In the example of FIGS. 11 and 12, dummy patterns are identified by reference numerals 3 and 3A-3N. As can be seen in the example of FIG. 11A, the dummy pattern 3 has the same shape as the pattern 1.

Applicant submits that the pending claims are patentably distinguishable from U.S. Patent No. 6,522,003 (Minami et al.) cited against the canceled claims.

According to the Minami et al. patent, as illustrated and described in connection with FIGS. 15 and 16A-16E, dummy patterns 37a-37d are formed on a LOCOS film 34 and under second-layer wirings 36a-36c (col. 10, lines 26-32).

Even if the second-layer wirings 36a-36c were considered to be output patterns, they are not "continuously arrayed" as recited in the independent claims.

Furthermore, as is clear, for example, from FIG. 15 of the Minami et al. patent, the shape of the dummy patterns 37a-37d is rectangular, whereas the shape of each of the second-layer wirings 36a-36c turns or extends along different paths. Therefore, the dummy patterns do not have substantially the same shape, or even a similar shape, as the second-layer wirings. Accordingly, the Minami et al. patent does not disclose or suggest "a dummy pattern comprising at least one second output pattern having the same shape as each of the first output patterns" as recited in the pending claims.

In addition, the pending claims recite that the dummy pattern is "adjacent to an end portion of the output bit group." As indicated above, an "output bit group" comprises "first output patterns . . . continuously arrayed." As shown, for example, in FIG. 12 of the pending application, the dummy patterns 3A and 3B are adjacent to end portions of the output bit group formed by multiple output patterns 1. In contrast, according to the Minami et al. patent, each dummy pattern 37a-37d is arranged under "end portions" of a particular second-layer wiring (col. 10, lines 30-32). As already discussed above, the second-layer wirings 36a-36c do not correspond to the claimed "first output patterns . . . continuously arrayed" and, therefore, do not form an output bit group as claimed.

For at least those reasons, applicant respectfully submits that the pending claims should be allowable over the Minami et al. patent.

The claims also were rejected under 35 U.S.C. § 112, par. 2 because the recitation that the second output pattern of the dummy pattern has "the same shape" as the first output patterns is allegedly indefinite. Applicant respectfully disagrees. A claim satisfies section 112, paragraph 2, "[i]f one skilled in the art would understand the bounds of the claims when read in

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light of the specification.” *Exxon Research and Engineering Co. v. U.S.*, 60 USPQ2d 1272 (Fed. Cir. 2001). The pending claims satisfy that requirement.

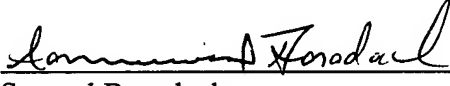
In addition, pending claim 19, which recites that each second output pattern has the same “two-dimensional shape” as the first output patterns “when viewed from above,” clearly meets the requirements of section 112.

In view of the foregoing remarks, applicant respectfully requests reconsideration and withdrawal of the rejection under section 112, par. 2.

Enclosed is a check for excess claim fees and a check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 7/8/04



Samuel Borodach
Reg. No. 38,388

Fish & Richardson P.C.
45 Rockefeller Plaza, Suite 2800
New York, New York 10111
Telephone: (212) 765-5070
Facsimile: (212) 258-2291